

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

DAVID SCOTT YARNALL

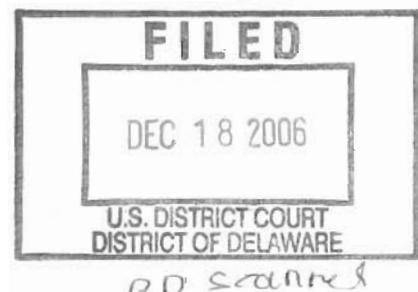
VS

CPL ANTHONY MENDEZ  
DELAWARE STATE POLICE TROOP 7  
PTLM CODE, UNKNOWN DUTIES WHO  
RESPONDED TO SCENE OF MILLSBORO  
POLICE AND PFC BUCHERT

No: 05-527-SLR

NOTICE OF MOTION

TO: CLERK OF THE COURT  
U.S. DISTRICT COURT  
844 N. KING ST LOCKBOX 18  
WILMINGTON DE 19801



PLEASE TAKE NOTICE THAT THE ATTACHED MOTION FOR  
SUMMARY JUDGEMENT WILL BE REQUESTED AT THE  
CONVENIENCE OF THE HONORABLE COURT.

DAVID SCOTT YARNALL 548973

Rsy

BCI

P.O. Box 500

GEORGETOWN DE 19947

DATED: 12/13/06

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

DAVID SCOTT YARNALL  
PLAINTIFF

VS

CPL ANTHONY MENDEZ ET AL  
DELAWARE STATE POLICE TROOP 7  
PTLM LOWE UNKNOWN OFFICERS WHO  
RESPONDED TO SCENE OF MILSBARD  
POLICE AND PFC BUCHERT  
DEFENDANTS

No. 05-527-SLR

PURSUANT TO RULE 56 OF THE FEDERAL RULES OF CIVIL  
PROCEDURE THE PLAINTIFF DAVID SCOTT YARNALL REQUESTS  
THE HONORABLE COURT FOR A SUMMARY JUDGEMENT.

DATED: 12/13/06

SIGNATURE: [Signature]

## CERTIFICATE OF SERVICE

I, DAVID SCOTT YARNALL HEREBY CERTIFY THAT I HAVE SERVED A TRUE AND CORRECT COPY OF THE 12<sup>TH</sup> ATTACHED MOTION UPON THE FOLLOWING PARTY ON THE DECEMBER DAY OF, 2006

ATTORNEY GENERAL  
DEPT OF JUSTICE  
102 WEST WATER ST 3<sup>RD</sup> FL.  
DOVER DE 19904

AKIN GIBBONS  
P.O. Box 25047  
Wilmington DE 19899

CHIEF EXECUTIVE OFFICER OF THE CITY OF MILLSBORO  
322 WILSON HIGHWAY  
MILLSBORO DE 19966

DATED: 12/13/06

DSy  
SIGNATURE OF MOVANT  
(NOTARIZATION NOT REQUIRED)